REMARKS

This amendment is offered in response to the Office Action of July 17, 2006. Upon entry of this amendment, Applicant respectfully requests reconsideration of the above referenced application. Claims 1-18 remain in the application. Claims 1 and 7 have been amended. Paragraphs 14 and 21 have been amended. Support for the amendments can be found in the original specification, claims and/or figures. In this regard, no new matter has been introduced.

Specification Objections

The Examiner objected to the specification as not including a "Summary of the Invention" section and suggested Applicant amend the patent application to include such a section. Applicant hereby respectfully traverses the objection and kindly points out to the Examiner that a "Summary of the Invention" section is optional since neither the rules nor the patent statute requires a patent applicant to provide such summary. As discussed in 37 CFR 1.73:

> A brief summary of the invention indicating its nature and substance, which may include a statement of the object of the invention, *should* precede the detailed description. Such summary *should, when set forth,* be commensurate with the invention as claimed and any object recited should be that of the invention as claimed [emphasis added]. 37 CFR 1.73.

Thus, Applicant respectfully points out that the use of the word "should" and the phrase "when set forth" indicates that inclusion of a "Summary of the Invention" section is optional rather than mandatory. As a result, it is believed there is no legal basis upon which to require a patent applicant to provide a "Summary of the Invention" section in a patent application or to require an applicant to amend the patent application to include such a summary. Therefore, the objection and any requirement related thereto should be withdrawn.

The Examiner also objected to the specification as including an embedded hyperlink and/or other form of browser-executable code and required Applicant to delete the embedded hyperlink and/or other form of browser-executable code. In response, Applicant has amended paragraph [0014] to remove "http://." Accordingly, Applicant respectfully requests that the objection be withdrawn.

Claim Rejections - 35 U.S.C. § 112

Claims 13-18 are rejected by the Office Action under 35 U.S.C. § 112, first paragraph for reciting "storage medium" which Examiner claims is not shown or described in the specification. In response, Applicant has amended paragraph [0021] to include a description of a "storage medium." Accordingly, Applicant respectfully requests that the § 112, first paragraph rejection be withdrawn.

Claim 13 is rejected by the Office Action under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In response, Applicant has amended paragraph [0021] to include a description of "an accessing machine." Accordingly, Applicant respectfully requests that the § 112, second paragraph rejection be withdrawn.

Claim Rejections - 35 U.S.C. § 101

Claims 1, 7 and 13 are rejected by the Office Action under 35 U.S.C. § 101 as being directed to non-statutory subject matter. In response, Applicant has amended claims 1 and 7 and traverses the rejection of claim 13. Claims 1, 7 and 13 include storing selected entries which is a tangible result, and not a manipulation of an abstract idea or a performance of a purely mathematical algorithm. Accordingly, Applicant respectfully requests that the § 101 rejection be withdrawn.

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Claim Rejections - 35 U.S.C. § 103

Claims 1, 4, 6-7, 9, 12-13, 15 and 18 are rejected by the Office Action under 35 U.S.C. § 103(a) as being unpatentable over Eldredge et al., U.S. Patent No. 6,697,801 (*Eldredge*) in view of Prassad et al., U.S. Patent No. 5,765,164 (*Prassad*). In response, Applicant respectfully traverses the rejection of such claims.

Applicant's claim 1 recites in pertinent part, <u>selecting at least a subset of the extracted entries to store based at least in part upon both a spacing between the entries in the index file and an amount of memory available for allocation</u>. *Eldredge*, however, neither discloses nor suggests this element of claim 1. In fact, *Eldredge* teaches away from this element, by teaching classifying of every entry as either first level text entries or lower level text entries, as opposed to storing only select entries. See *Eldredge*, Abstract.

Applicant notes that *Prassad* is not cited as curing, and does not cure, the above deficiency of *Eldredge* as applied to, e.g., rejected claim 1. Thus, without the need to further characterize *Prassad*, and without adopting the characterization found in the Action, Applicant respectfully asserts that rejected claim 1 is, indeed, patentable over the *Eldredge* and *Prassad* combination of references.

By the same argument as made above for claim 1, claims 7 and 13, each of which includes the same element discussed above for claim 1, are not taught or suggested by the *Eldredge* and *Prassad* combination of references. Furthermore, based at least on their dependency, claims 4 and 6 which depend on claim 1, claims 9 and 12 which depend on claim 7, and claims 15 and 18 which depend on claim 13 are not taught nor suggested by the *Eldredge* and *Prassad* combination of references.

Accordingly, Applicant respectfully requests that the § 103(a) rejection of claims 1, 4, 6-7, 9, 12-13, 15 and 18 be withdrawn.

Claims 2-3, 5, 8, 10-11, 14 and 16-17 are rejected by the Office Action under 35 U.S.C. § 103(a) as being unpatentable over the (*Eldredge*) and (*Prassad*) combination and further in view of Brent A. Miller et al., "Home Networking with Universal Plug and Play" (*Miller*). In response, Applicant respectfully traverses the rejection of such claims.

As mentioned above, the *Eldredge* and *Prassad* combination of references does not teach or suggest the element of <u>selecting at least a subset of the extracted entries to store based at least in part upon both a spacing between the entries in the index file and an amount of memory available for allocation</u>. Applicant notes that *Miller* is not cited as curing, and does not cure, such deficiencies of the *Leyda* and *Prassad* combination of references as applied to claims 2-3, 5, 8, 10-11, 14 and 16-17. Thus, without the need to further characterize *Miller*, and without adopting the characterization found in the Action, Applicant respectfully asserts that rejected claims 2-3, 5, 8, 10-11, 14 and 16-17 are, indeed, patentable over the *Leyda* and *Prassad* and *Miller* combination of references. Accordingly, Applicant respectfully requests the § 103(a) rejection of claims 2-3, 5, 8, 10-11, 14 and 16-17 be withdrawn.

Conclusion

In light of the foregoing amendments, Applicant respectfully submits that claims 1-18 are in condition for allowance and such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

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Respectfully submitted,
Nelson F. Kidd et al.

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